

1010 Rec'd PCT/PTO 19 DEC 2005

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

37872-0006

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

10/528,202

INTERNATIONAL APPLICATION NO.

PCT/JP03/026481

INTERNATIONAL FILING DATE

(18.09.2003) 18 September 2003

PRIORITY DATE CLAIMED

(18.09.2002) 18 September 2002

TITLE OF INVENTION

SUBSTANCE-ATOMIZING APPARATUS

APPLICANT(S) FOR DO/EO/US

Tomihisa NAITO

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ had been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 132 and 37 CFR 1.821-1825
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4)
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Supplemental Application Data Sheet, copy of Notice (dated 12/7/05)

|  |  |   |  |   |  |
|--|--|---|--|---|--|
| U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.7)<br><b>10/528,202</b> |  | INTERNATIONAL APPLICATION NO.<br><b>PCT/JP03/026481</b> |  | ATTORNEY'S DOCKET NUMBER<br><b>37872-0006</b> |  |
|--|--|---|--|---|--|

  

|   |              |   |            |                                  |    |
|---|--------------|---|------------|----------------------------------|----|
| 21. The following fees are submitted: <div style="margin-left: 20px;"> <input type="checkbox"/> a) Basic national fee .....\$300.00<br/> <input type="checkbox"/> b) Examination fee .....\$200.00<br/> <input type="checkbox"/> c) Search fee .....\$500.00         </div> |              |   |            | <b>CALCULATIONS PTO USE ONLY</b> |    |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |   |            | \$                               |    |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.  |              |   |            | \$                               |    |
| TOTAL SHEETS  | EXTRA SHEETS | NUMBER EXTRA (of each additional 50 or fraction thereof rounded up to a whole number) | RATE       |                                  |    |
| -100 =  | /50 =        |   | x \$250.00 |                                  |    |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).  |              |   |            | \$ 130.00                        |    |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA  | RATE       |                                  |    |
| Total claims  | - 20 =       |   | x \$50.00  | \$                               |    |
| Independent claims  | - 3 =        |   | x \$200.00 | \$                               |    |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |              |   | + \$360.00 |                                  |    |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |   |            | \$ 130.00                        |    |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |              |   |            |                                  |    |
| <b>SUBTOTAL =</b>   |              |   |            | \$ 130.00                        |    |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).   |              |   |            | +                                |    |
| <b>TOTAL NATIONAL FEE =</b>   |              |   |            | \$ 130.00                        |    |
| Fee for recording the enclose assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property   |              |   |            | +                                |    |
| <b>TOTAL FEES ENCLOSED =</b>  |              |   |            | \$ 130.00                        |    |
|   |              |   |            | Amount to be refunded:           | \$ |
|   |              |   |            | Amount to be charged:            | \$ |

  

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Amount to be refunded: \$

Amount to be charged: \$

  

a. ☒ A check in the amount of \$ 130.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.

A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment

To Deposit Account No. 08-1641 A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

**HELLER EHRMAN LLP**  
 1717 Rhode Island Avenue, N.W.  
 Washington, DC 20036  
 Customer No. : 26633

SIGNATURE

*Patricia D. Granados*

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NAME Date

Patricia D. Granados December 19, 2005

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REGISTRATION NUMBER

33,683



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/528,202                  | Tomihisa Naito        | 37872-0006       |

|                               |
|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/JP03/26481

|                  |               |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
| 09/18/2003       | 09/18/2002    |

26633  
 HELLER EHRMAN WHITE & MCAULIFFE LLP  
 1717 RHODE ISLAND AVE, NW  
 WASHINGTON, DC 20036-3001

CONFIRMATION NO. 4419

371 FORMALITIES LETTER



\*OC000000017595116\*

Date Mailed: 12/07/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/17/2005
- Copy of the International Search Report filed on 03/17/2005
- Information Disclosure Statements filed on 03/17/2005
- Copy of references cited in ISR filed on 03/17/2005
- U.S. Basic National Fees filed on 03/17/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION,**

**WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/528,202                  | PCT/JP03/26481                | 37872-0006       |

FORM PCT/DO/EO/905 (371 Formalities Notice)